

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:11-CR-00249-F-1

No. 5:16-CV-00634-F

JAMIE M. HARGROVE,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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ORDER

This matter is before the court on Jamie M. Hargrove's Motion for Reconsideration [DE-269]. In his motion, Hargrove renews his request for relief pursuant to 28 U.S.C. § 2255.

Rule 59(e) of the Federal Rules of Civil Procedure permits a court to alter or amend a judgment. Fed. R. Civ. P. 59(e). Although the rule itself does not set forth any guidelines as to when such a motion should be allowed, the Fourth Circuit Court of Appeals has recognized three grounds for amending a judgment pursuant to Rule 59(e): "(1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available [previously]; or (3) to correct a clear error of law or prevent manifest injustice." *Sloas v. CSX Transp., Inc.*, 616 F.3d 380, 385 n.2 (4th Cir. 2010) (alteration added and citation omitted). "It is an extraordinary remedy that should be applied sparingly." *Mayfield v. Nat'l Ass'n for Stock Car Auto Racing, Inc.*, 674 F.3d 369, 378 (4th Cir. 2012). A "district court has considerable discretion in deciding whether to modify or amend a judgment." *Gagliano v. Reliance Standard Life Ins. Co.*, 547 F.3d 230, 241 n.8 (4th Cir. 2008).

Following a review of the record and this court's October 19, 2016 Order [DE-266], this court sees no meritorious reason to disturb its ruling. Consequently, Hargrove's Motion for

Reconsideration [DE-269] is DENIED.

SO ORDERED.

This the 22 day of February, 2017.

A handwritten signature in black ink, appearing to read "James C. Fox", is written over a horizontal line.

JAMES C. FOX

Senior United States District Judge